



Message

From: Lloyd, Tyler [Lloyd.Tyler@epa.gov]
Sent: 12/18/2018 9:51:44 PM
To: Seltzer, Mark [Seltzer.Mark@epa.gov]
Subject: FW: OECA RESPONSE: Final Workgoup Review - Asbestos; TSCA Section 21 Rulemaking Petition; Reasons for Agency Response (Tier 4, SAN 7083)

FYI

Tyler Edward Lloyd

Environmental Protection Specialist
U.S. Environmental Protection Agency
Office of Pollution Prevention and Toxics
Chemical Control Division
Tel (202) 564-4016

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From: Gsell, Alyssa
Sent: Tuesday, December 18, 2018 4:04 PM
To: Lloyd, Tyler <Lloyd.Tyler@epa.gov>; Wilber, Eric <Wilber.Eric@epa.gov>
Cc: Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>
Subject: RE: OECA RESPONSE: Final Workgoup Review - Asbestos; TSCA Section 21 Rulemaking Petition; Reasons for Agency Response (Tier 4, SAN 7083)

Given OECA's concerns, OGC has one recommendation:

Ex. 5 Deliberative Process (DP) / Ex. 5 Attorney Client Work Product

Otherwise, if OECA is OK with these edits, then OGC is too.

Alyssa M. Gsell
US EPA Office of General Counsel
Phone: 202-564-7413
Fax: 202-564-5416

From: Lloyd, Tyler
Sent: Tuesday, December 18, 2018 2:43 PM
To: Wilber, Eric <Wilber.Eric@epa.gov>; Gsell, Alyssa <Gsell.Alyssa@epa.gov>
Cc: Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>
Subject: FW: OECA RESPONSE: Final Workgoup Review - Asbestos; TSCA Section 21 Rulemaking Petition; Reasons for Agency Response (Tier 4, SAN 7083)

Eric and Alyssa,

NPCD just sent additional edits in response to OECA's concerns (see immediately below in red). Jeff Morris has okayed these edits. These edits will be made to the FRN. I wanted to let you all know, since you are currently reviewing the document.

Let me know if you have any questions.

-Tyler

Tyler Edward Lloyd

Environmental Protection Specialist
U.S. Environmental Protection Agency
Office of Pollution Prevention and Toxics
Chemical Control Division
Tel (202) 564-4016

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From: Mottley, Tanya

Sent: Tuesday, December 18, 2018 2:13 PM

To: Vendinello, Lynn <Vendinello.Lynn@epa.gov>

Cc: Carmichael, Lea <carmichael.lea@epa.gov>; Winchester, Erik <Winchester.Erik@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>; Symmes, Brian <Symmes.Brian@epa.gov>

Subject: RE: OECA RESPONSE: Final Workgoup Review - Asbestos; TSCA Section 21 Rulemaking Petition; Reasons for Agency Response (Tier 4, SAN 7083)

Importance: High

Thanks, Lynn, for sharing this information with us. We have considered OECA's responses (from Mark Seltzer's email below) and my staff reviewed some text in the draft petition response that were of concern. Below are some recommended edits we'd like made so our petition response is more accurate. Since the line numbers don't seem to perfectly match to Mark's comments, we copied the sections and pasted them here for more context. With a closer look, these sections seem to be specific to raw asbestos, and since EPA has already published that chloralkali is the only importer of raw asbestos, this is consistent. A few recommended changes are in red below:

Line 376:

Agency response. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Line 517:

Ex. 5 Deliberative Process (DP)

Please let us know if you have any questions/concerns. Appreciate the opportunity to review this.

Tanya

Tanya Hodge Mottley, Director

National Program Chemicals Division
Office of Pollution Prevention and Toxics, OCSP
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (MC 7404T)
Washington, DC 20460
PH: (202) 564-3152

From: Vendinello, Lynn
Sent: Monday, December 17, 2018 3:34 PM
To: Mottley, Tanya <Mottley.Tanya@epa.gov>; Winchester, Erik <Winchester.Erik@epa.gov>
Cc: Carmichael, Lea <carmichael.lea@epa.gov>
Subject: FW: OECA RESPONSE: Final Workgroup Review - Asbestos; TSCA Section 21 Rulemaking Petition; Reasons for Agency Response (Tier 4, SAN 7083)

Hi, we received these comments from OECA on our Asbestos Petition but they seem to be more focused on the SNUR and the ACE database as per the risk evaluation, so I am forwarding them on to you all for consideration.

Lynn Vendinello
Deputy Division Director
Chemical Control Division
Office of Pollution Prevention and Toxics
202-566-0514

From: Wolf, Joel
Sent: Monday, December 17, 2018 1:55 PM
To: Vendinello, Lynn <Vendinello.Lynn@epa.gov>
Cc: Lloyd, Tyler <Lloyd.Tyler@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>; Taylor, Jeffrey <Taylor.Jeffrey@epa.gov>
Subject: FW: OECA RESPONSE: Final Workgroup Review - Asbestos; TSCA Section 21 Rulemaking Petition; Reasons for Agency Response (Tier 4, SAN 7083)

Hi Lynn,

Should you send a note to Greg about the below comments from Mark or do you want us to respond? The first item is an issue Mark should take up with the asbestos SNUR workgroup, which is not us. The other two comments seem to be a question of **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP) although you may have a different take on two of Mark's comments.

Thanks, Joel

Joel Wolf
Chief, Existing Chemicals Branch
OCSP/OPPT/CCD
US Environmental Protection Agency
WJC East, Room 4121A
202.564.0432, wolf.joel@epa.gov

From: Lloyd, Tyler
Sent: Monday, December 17, 2018 7:13 AM
To: Wolf, Joel <Wolf.Joel@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>
Subject: FW: OECA RESPONSE: Final Workgroup Review - Asbestos; TSCA Section 21 Rulemaking Petition; Reasons for Agency Response (Tier 4, SAN 7083)

Joel and Niva,

You guidance will be appreciated on how to proceed with OECA's comments.

-Tyler

Tyler Edward Lloyd

Environmental Protection Specialist
U.S. Environmental Protection Agency
Office of Pollution Prevention and Toxics
Chemical Control Division
Tel (202) 564-4016

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From: Seltzer, Mark

Sent: Friday, December 14, 2018 3:12 PM

To: Hofmann, Angela <Hofmann.Angela@epa.gov>; Lloyd, Tyler <Lloyd.Tyler@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>

Cc: Wilber, Eric <Wilber.Eric@epa.gov>; Miles, James <miles.james@epa.gov>; Presler, Amos <presler.amos@epa.gov>; Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Goldstein, Jessica <goldstein.jessica@epa.gov>

Subject: OECA RESPONSE: Final Workgoup Review - Asbestos; TSCA Section 21 Rulemaking Petition; Reasons for Agency Response (Tier 4, SAN 7083)

Internal Deliberative; Attorney Client Privilege; Not for Release.

Tyler, Peter, Angela—

OECA has provided comments on a prior workgroup draft which still stand (*see attached email: RE: TSCA Section 21 petition comments Dated: November 15, 2018 10:37 AM*).

In addition to the comments from our prior review, we have the following comments on revisions added to the final FRN we reviewed today:

- Line 176:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

○

Ex. 5 Deliberative Process (DP) / Ex. 5 Attorney Client Comms / Ex. 5 Attorney Client Work Product

- Line 356:

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

○

Ex. 5 Deliberative Process (DP) / Ex. 5 Attorney Client Comms / Ex. 5 Attorney Client Work Product

Ex. 5 Deliberative Process (DP) / Ex. 5 Attorney Client Comms / Ex. 5 Attorney Client Work Product

- Line 386: **Ex. 5 Deliberative Process (DP)**
See also Line 487: **Ex. 5 Deliberative Process (DP)**
Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) / Ex. 5 Attorney Client Comms / Ex. 5 Attorney Client Work Product

Let me know if you have any questions.

Regards,
Mark

CC: Eric Wilber (OGC), James Miles (Acting Associate DD), Amos Presler (Acting BC), Jessica Goldstein (workgroup member), Geraldine Gardner (workgroup member)

Mark Seltzer, Attorney Advisor
Chemical Risk and Reporting Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement
US Environmental Protection Agency
Phone: 202-564-2901

From: Smith, Peterj

Sent: Wednesday, December 12, 2018 2:33 PM

To: Cybulski, Walter <Cybulski.Walter@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Gardner, Geraldine <Gardner.Geraldine@epa.gov>; Goldstein, Jessica <goldstein.jessica@epa.gov>; Seltzer, Mark <Seltzer.Mark@epa.gov>; Gsell, Alyssa <Gsell.Alyssa@epa.gov>; Wilber, Eric <Wilber.Eric@epa.gov>; Kirk, Andrea <Kirk.Andrea@epa.gov>; Libelo, Laurence <Libelo.Laurence@epa.gov>; Peffers, Mel <Peffers.Mel@epa.gov>

Cc: OCSPP OPMO RICS <OCSPP_OPMO_RICS@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Berkley, Bruce <Berkley.Bruce@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Strauss, Linda <Strauss.Linda@epa.gov>; Tyree, JamesN <tyree.jamesn@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Keller, Kaitlin <keller.kaitlin@epa.gov>; Morris, Jeff <Morris.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Blunck, Christopher <Blunck.Chris@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Scheifele, Hans <Scheifele.Hans@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>; Lintner, Colby <Lintner.Colby@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>; Vendinello, Lynn <Vendinello.Lynn@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Carmichael, Lea <carmichael.lea@epa.gov>; Gorder, Chris <Gorder.Chris@epa.gov>; Hall, Franklyn <Hall.Franklyn@epa.gov>; Kramek, Niva <kramek.niva@epa.gov>; Lloyd, Tyler <Lloyd.Tyler@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>; Forbes, Thomas <Forbes.Thomas@epa.gov>; Mojica, Andrea <Mojica.andrea@epa.gov>; Pfahles-Hutchens, Andrea <Pfahles-Hutchens.Andrea@epa.gov>; Scarano, Louis <Scarano.Louis@epa.gov>; Sharkey, Susan <Sharkey.Susan@epa.gov>; Sherlock, Scott <Sherlock.Scott@epa.gov>; Silagi, William <Silagi.William@epa.gov>; Taylor, Jeffrey <Taylor.Jeffrey@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>; Watkins, Stephen <watkins.stephen@epa.gov>; Cogliano, Gerain <Cogliano.Gerain@epa.gov>; Noggle, William <Noggle.William@epa.gov>; Bartlett, Keith <Bartlett.Keith@epa.gov>; Simons, Andrew <Simons.Andrew@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Grant, Brian <Grant.Brian@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Corrales, Mark <Corrales.Mark@epa.gov>;

Curry, Bridgid <Curry.Bridgid@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>

Subject: RESPONSES DUE 12/14: Final Workgroup Review - Asbestos; TSCA Section 21 Rulemaking Petition; Reasons for Agency Response (Tier 4, SAN 7083)

Final comments are due no later than COB, December 14th.

Attached is the petition response team's final review package for the following action:

Asbestos; TSCA Section 21 Petition; Reasons for Agency Response
(Tier 4; SAN 7083)

Who is Representing My Office on OCSPP's Tier 4 Petition Response Team?

The offices participating on the TSCA section 21 petition response team are represented by:

OECA: Geraldine Gardner, Jessica Goldstein, Mark Seltzer

OGC: Alyssa Gsell, Eric Wilbur

OLEM: Steven Foster, Andrea Kirk, Laurence Libelo

OP: Mel Peffers

ORD: Walter Cybulski

When is My Response Due to OCSPP?

This is **your final opportunity to review these documents and provide comments**. OCSPP is providing a short, final review opportunity to close out this response to a rulemaking petition. Please provide any comments in response to this final review opportunity by COB on **December 14th**.

(Special Note to OCSPP IO Staff: This is also the opportunity for the IO Staff to review these documents and provide comments. If you have any questions, let us know.)

Who Needs to Sign-Off on My Response?

In general, the designated level of management sign-off is your supervisor. This petition response is not subject to the EPA Action Development Process, so an AA-level sign-off is not expressly required. However, you should follow any applicable sign-off procedures established by your office.

Who Should Receive My Response?

Please direct your responses to Angela Hofmann, and cc: the petition manager (Tyler Lloyd), Peter Smith ("Smith, Peterj" in the Outlook Directory; although I am sure he would be fascinated, please don't send your response to PeterL Smith out in Ann Arbor!), and anyone in your office who should receive a copy. If your response is misdirected, we may not receive it in time to address any comments before moving to the next step in the process.

What Is Included in this Workgroup Closure Package?

The workgroup closure package for this action consists of the following draft documents:

- **Draft Response Letter to Petitioner**
- **Draft Federal Register Document (reasons for petition denial)**
- **Draft Action Memorandum**
- **Draft Action Information Form**

What Happens Next?

OCSPP will make any appropriate revisions and prepare this petition response and related Federal Register document that sets forth the Agency's reasons for denying the petition, and present them for signature. After signature, OCSPP will promptly send the Agency's response to the petitioners and submit, via the Office of Policy, the signed Federal Register document to the Office of the Federal Register for publication. Pursuant to TSCA section 21(b)(4), with 60 days of the Agency's denial of the petition, the petitioner may commence a civil action in a district court of the United States to compel the Agency to initiate a rulemaking proceeding as requested in the petition.

Questions?

Please contact me at 564-0262 or the petition manager, Tyler Lloyd, at 566-4016.

NOTICE: *If this electronic communication explains, justifies, or documents an official action or decision, it may be subject to federal records requirements. Federal employees should evaluate the contents of this message before deleting it.*

Peter J. Smith | U.S. EPA | Office of Chemical Safety and Pollution Prevention
1200 Pennsylvania Ave., NW | Washington, DC 20460 | phone 202/564-0262 | email smith.peterj@epa.gov